

Application No.: 10/529,161
Amendment Dated July 24, 2009
Reply to Office Action of February 24, 2009

ITC-331US

Amendments to the Drawings:

The attached sheet of drawing includes changes to Figure 7. This sheet replaces the original sheet.

Remarks/Arguments:

The drawings have been objected to. During the telephone interview of June 18, 2009, the Examiner was shown a proposed replacement FIG. 7. The Examiner indicated that the proposed replacement FIG. 7 would overcome the objection to the drawings. That proposed Figure is now being formally filed.

The specification has been objected to. The Examiner has indicated, however, that Applicant's proposed revised FIG. 7 would overcome the objection to the specification. Accordingly, withdrawal of the objection is respectfully requested.

Claims 6-13 have been rejected under 35 U.S.C. §102(b) as anticipated by Nagai. Also, claims 1-5, 14 and 17 have been rejected under 35 U.S.C. §103 as being unpatentable over Nagai in view of Harman. It is respectfully submitted, however, that Applicant's claims are now patentable over the art of record for the reasons set forth below.

Figure 3 is an exemplary embodiment of the present invention. Outer cylinder 8 corresponds to Applicant's first member. Piston 13 corresponds to Applicant's claimed second member. Outer cylinder 8 can move independently of piston 13. Thus, by maintaining the position of piston 13 and increasing the amount of fluid in fluid compartment 23, the first member can be raised and lowered.

Nagai, FIG. 1 discloses first cylindrical member 16 and piston 17. First cylindrical member 16 cannot move independently of piston 17. First cylindrical member 16 is a fixed assembly.

Accordingly, Applicant's feature (as recited in claim 1) of:

....said first member also movable independently of said lifting device...

is neither disclosed nor suggested by Nagai. Claims 6, 9 and 14, while not identical to claim 1, include a similar feature. Thus, Applicant's independent claims are patentable over the art of record. Furthermore, Applicant's dependent claims are patentable by virtue of their dependency on allowable independent claims.

During the course of the interview, the Examiner questioned whether Applicant's claims are patentable over Slocum. Applicant's claim 1 recites:

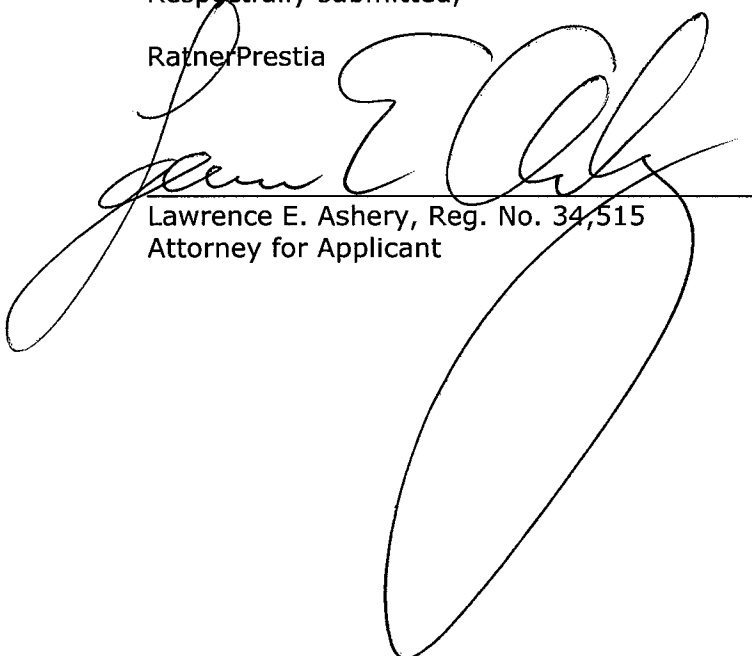
...an interior of said first member and a top of said second member defining
a variable size fluid compartment within said first member...

This feature is neither disclosed nor suggested by Slocum. Claims 6, 9 and 14, while not identical to claim 1, include language similar to the language set forth above with regard to claim 1. Accordingly, all of Applicant's pending claims are patentable over Slocum.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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LEA/mjc

Attachment: Replacement Figure 7

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